



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE CATILINARIAN ORATIONS: A MILESTONE IN THE PROGRESS OF DEMOCRATIC GOVERNMENT

Dr. Lane Cooper, in his delightful essay, *Things New And Old*, in *THE CLASSICAL WEEKLY* 13.107-111, maintains that the Orations Against Catiline "vitally interest but a few boys and almost no girls".

But it is precisely for these despised Orations Against Catiline (at least 1, 3, and 4) that I wish to enter a plea, on the ground that they are the most valuable material we have in Latin literature to relate the Latin language and Roman history to our life of to-day. Imbedded in intensely personal language, vivacious, and sentimental, are statements about justice, penalties, crimes, and government, that make children studying Third Year Latin see things about government that nothing they had ever studied before could teach them.

Let us be more explicit. The American child's idea is that personal liberty, representation, justice, freedom to speak, etc., are as natural rights as sunlight and the air we breathe. Although they have studied 'civics' in the Eighth Grade and again in the High School, and have possibly added to that medieval and modern history, they do not know that there are places in the world where a man can be locked up without having committed any other crime than that of having offended some one in power, and that, once he is locked up, there is no law that enables him to demand either his liberty or a public trial. Moreover, our children do not know that there are also governments that have a set of laws for soldiers with lighter penalties than those for civilians, one system of taxation for one class of persons and another lighter kind for the privileged. It appeals to our children to learn that the idea of a law for rich and poor alike, a law written in letters of bronze where all might see it and demand its enforcement, was a Roman idea, a Roman invention, one might almost say. What if some brilliant Greeks did conceive the idea of a Constitution, a written law by which the State should live? When some other, more charming Greek came along who preferred being a tyrant to observing the law, the mob shouted just as eagerly for the tyrant as it had previously shouted for the Constitution. But the ideal of justice for all, a law for rich and poor alike, a government in which every free man has a voice, was set deep in the nature of the whole Roman nation! No matter how imperfect was their realization of that ideal, they continued to cherish it and to strive for it. They even, in the old age of the nation, clutched the semblance of it to their hearts, when the substance of it had long been snatched from them. Government, then, of citizens, by citizens, and for citizens, was a Roman experiment. Theirs was the first crude machine. If it did not work perfectly, if it needed patching all the time, still it was a marvelous advance over kings or tyrants.

Now, in the Orations Against Catiline, we have a situation showing government at one of its early stages. The men in this drama are strongly marked characters, the setting is picturesque, and the 'supers' in the shape

of *patres conscripti* and *quirites* are sufficiently like our own of to-day to make a distinctly human appeal. A very few facts about the events from 133 B. C. to 63 B. C. show pupils that power had been seized by one ambitious man after another, so that democracy was already seriously weakened. These same events must make the pupils see that every outbreak that is settled by bloodshed is a failure to let the law deal with a situation. This point is a most important one to urge upon Americans of to-morrow, if we are to rid ourselves of our national scandal of lynchings. The Roman Constitution was so undeveloped that there arose crises with which it could not cope, or with which the Senate feared it could not cope. Hence the Romans sometimes suspended the Constitution so that some courageous man might be able to meet the emergency free-handed. Our Constitution seems great enough to meet all our needs, at least in time of peace; and, of course, the greater our faith in it and the stronger our determination to stand by it, the more adequate it will prove to meet our emergencies. But even with this highly developed Constitution, we felt compelled, during the Great War, to grant war-time powers to our Executive. If we consider Roman Republican government as lasting approximately five hundred and fifty years, have not we been compelled to resort to extraconstitutional expedients as often in proportion as the Romans did? Well, perhaps not; but we have two thousand years the advantage of them in experience.

The first point to cite to show the undeveloped state of the Roman Constitution and the early fear that the regular machinery for keeping peace and order was inadequate is the *senatus consultum ultimum*: 'Let the consuls take care that the commonwealth shall receive no harm'. Full responsibility is there, with unlimited power and with apparently no accountability for anything but results. The Senate in a panic believes that stern measures, perhaps military, are needed to keep the city from chaos, because the police even with a full force of deputies cannot deal with the threatened rioting. Young as our pupils are, they have heard of martial law and of places that have had to submit to it. They know that the commanding officer governs absolutely and punishes with an iron hand if necessary. But what about Cicero's exile five years after his consulship? He was held accountable for his acts, even though he was armed with the *senatus consultum ultimum*. Would that happen to an officer now-a-days? Even Third Year pupils see that now we carefully limit and define powers, that the district attorney indicts people who have exceeded their authority or have infringed the law, and that a decision about the justice of a provost marshal is not apt to be settled by votes at an election, but by a jury in a court. So much have we gained.

Another point to show government in the making is Caesar's proposal for punishing the conspirators, forbidding anyone even to suggest legislation for their relief. Can the Congress of to-day pass a law that no

future Congress shall or shall not do a certain thing? Your pupils will look dazed when you ask them that, and perhaps, if the bell is going to ring in two minutes, you will have to tell them the answer. But the next day they will know why. They will also see that principles of action are laid down in our Constitution, but not specific courses of action for particular circumstances.

A third point to show how far our ideas about law have progressed since Cicero's time is Cicero's declaration that Catiline, because of his treason, is no longer entitled to the protection of the laws about capital punishment, but is to be treated as a public enemy. Here again you meet astonished silence when you inquire if we believe that a man deprives himself of the right to trial according to law, when he commits treason. But all pupils can recall Benedict Arnold and most of them Aaron Burr. What would we have done with Arnold if he had not escaped? What did we do in the case of Burr? Would either of them have been put to death without a trial, because the Congress felt that his guilt was evident? So deep and fixed has become our belief that a man is entitled to plead his case before twelve of his fellow citizens, no matter how evident his guilt, that our lawyers have to include in their oath upon admission to the bar the clause, "to let no man go undefended".

The point to drive home by all of this is that government is not part of the eternal hills, but the sum of all the desires of people to have the world decent and orderly, with life and property safe. If we are to have justice, it must be because people give their energy to serve on juries; if we are to have equitable taxation, it must be because public opinion scorns the tax-dodger and watches the assessors. In short the price of government is eternal vigilance.

If the laws are not supported by public opinion, they cannot be enforced. Cicero could not move against Catiline until he could educate the public to approve his acts. If, using the powers he had under the *consultum ultimum*, he had officially murdered Catiline, a storm of popular disapproval would certainly have overwhelmed him and would have plunged the State into exactly the anarchy that he dreaded. The Third Oration Against Catiline was Cicero's demonstration to the people that Catiline planned a servile rebellion, wholesale murder, plunder, and arson. With a goodly portion of the population of Rome convinced of Catiline's purposes, Cicero could use the power the law had bestowed on him. To-day, too, we have to convince the public that a law is just, before it can be enforced. We are not so unanimously behind the Prohibition Amendment, that our Federal officers find it all smooth sailing.

Finally, I try to show my pupils that, upon this foundation of law ruling the world, were developed the English ideals of freedom of speech and personal liberty, and that an autocracy does not recognize a man's right to possess his own body in freedom, or to speak his mind

openly, or to have a voice in deciding the policies of the government. Catiline aimed at the dictatorship of a few supported by an army of slaves and mercenaries, a tyranny that would abolish all debts, murder any who opposed, and grant unlimited loot. What chance is there in such a régime for impartial justice, for freedom to speak, or for freedom to act? Modern autocracies have no habeas corpus acts. Rome strove, at least, to punish ill-doers impartially.

Accordingly, from several years' experience in teaching Cicero from the point of view I have outlined, I venture to contradict Dr. Cooper and to say that the Orations Against Catiline do vitally interest boys and girls, that in fact they contain in solution just the materials our children need for successful preparation for citizenship. As for Ovid, whom Dr. Cooper recommends instead of these Orations, I claim on the contrary that he is entirely the wrong author to offer pupils of ages from sixteen to eighteen. These children are at once too old and too young to enjoy him. Children under twelve or over twenty-six (I say "children" advisedly) see that he is perfection. But for the good, stiff, pabulum which the really intelligent upper classmen of our High Schools crave, give me the Orations Against Catiline.

There is scarcely a chapter of the First, Third, or Fourth Oration against Catiline that does not yield some point for discussion. To my mind, no other orations of Cicero, and no other pieces of literature, show so distinctly government in the making, the perils of anarchy, the designs of ambitious and unscrupulous men, and the difference between the reign of law and the tyranny of a man or a class.

CENTRAL HIGH SCHOOL,
Washington, D. C.

MILDRED DEAN.

NOTE ON VERGIL'S USE OF ANCHISIADES

In an earlier paper¹ I pointed out the difficulty of adequately rendering in an English translation *Anchisiades* as Vergil uses it. In my opinion the poet bestows this name upon his hero only when he wishes subtly to indicate Aeneas's relation to his father. This was suggested to me by Mr. Glover's comment on 10.822²:

Lausus is but a boy—*puer*—but he has done what Aeneas did himself years before, he has saved his father—the patronymic *Anchisiades* is not without purpose—and now all the honour that a hero can pay to a hero Aeneas will render to Lausus. *Pietas* covers his feeling for Lausus as well as his feeling for Anchises.

Investigation reveals that much the same conclusion may be reached in regard to each of the other five occurrences of the word. They are as follows.

(1) 5.407. The occasion is the celebration of the funeral games piously instituted by Aeneas in memory of his father. Aeneas is acting as judge—the part that

¹See THE CLASSICAL WEEKLY 13.212, Note 78.

²T. R. Glover, *Virgil*³, 223-224.